

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN SENATE MAY 10, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1547

Introduced by Senator Romero
(Coauthor: Assembly Member Leno)

February 23, 2006

An act to add Sections 5040, 5041, and 5042 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1547, as amended, Romero. Corrections: inmate population.

Existing law charges the Department of Corrections and Rehabilitation with the care and custody of all persons sentenced to the state prison.

This bill would make findings and declarations regarding the growing inmate population in the department and the need to control that growth through progressive corrections and rehabilitation policies. The bill would require the department to establish programs that would parole older or medically incapacitated inmates under certain circumstances, provide additional sentence reduction incentives for eligible inmates who make progress in various programs in prison, and to develop strategies to reduce recidivism and discharge rehabilitated parolees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that:

2 (a) The California Department of Corrections and
3 Rehabilitation currently houses over 170,000 inmates, which is
4 195 percent of the designed capacity. In fiscal year 2006–07, the
5 population is projected to increase by 2.3 percent, or 3,867
6 inmates. In addition to housing the inmate population, the
7 department is responsible for monitoring the parole population
8 which is approximately 115,600. The parole population is also
9 projected to increase in 2006–07 by 700 parolees. The population
10 is projected to increase because more inmates are being released
11 to parole, but fewer parolees are being discharged from parole
12 supervision.

13 (b) Last year, in 2005, the department overran its budget by
14 over one billion dollars (\$1,000,000,000) due primarily to
15 population growth. The department had based its budget on a
16 decreasing population trend, but in fact, the inmate population
17 experienced unprecedented growth, thereby driving department
18 costs above and beyond fiscal projections.

19 (c) The department is operating well above the designed
20 capacity and is also plagued with a number of lawsuits that
21 impose court ordered requirements and standards that the
22 department must meet. Many of the requirements are difficult to
23 achieve due to the number of inmates and parolees in the system.

24 (d) The department has recently been the subject of several
25 audits, analyses, and reports that have made recommendations to
26 improve operations and programs within the department. Many
27 of these reports and analyses state that in order to adequately
28 rehabilitate inmates and protect public safety, inmate and parole
29 populations need to be reduced. According to the recent
30 Corrections Independent Review Panel (CIRP), “The key to
31 reforming the system lies in reducing the numbers.”

32 (e) The department has been delinquent in making progress
33 toward controlling and reducing the inmate and parole
34 populations to allow for successful rehabilitation to reduce
35 recidivism.

36 (f) Through implementation of progressive corrections and
37 rehabilitation policies, the department can reduce the inmate and

1 parole populations in order to work on rehabilitating and
2 reintroducing inmates back into society.

3 (g) California keeps parolees under state jurisdiction for far
4 longer periods of time than national norms. California currently
5 has “the longest leash” for inmates on parole without any visible
6 effect on recidivism, which results in parolees being locked up
7 for technical parole violations at a significant cost to the state
8 with no beneficial impact on public safety.

9 (h) For the reasons stated above, it is imperative that the
10 California Department of Corrections and Rehabilitation take
11 immediate action to address the burgeoning inmate population. It
12 is the intent of the Legislature in enacting this bill, to introduce
13 population management strategies that would enable the
14 department to control its population safely and effectively, with
15 the safety of inmates, staff, and the public as the paramount goal.

16 SEC. 2. Section 5040 is added to the Penal Code, to read:

17 5040. (a) Effective January 1, 2008, the department shall
18 establish programs that will parole geriatric and medically
19 incapacitated inmates who no longer pose a threat to public
20 safety, as follows:

21 ~~(a)~~

22 (1) A medical parole program for medically incapacitated
23 inmates who no longer represent a threat to public safety and
24 who have an appropriate place to receive care.

25 ~~(b)~~

26 (2) One of the following:

27 ~~(1)~~

28 (A) A program that would allow inmates who are 65 years of
29 age and older who have served at least five years of their
30 sentence to become eligible for parole and inmates 60 years of
31 age and older who have served at least 10 years of their sentence
32 to become eligible for parole, not including ~~persons who are~~
33 ~~required to register as a sex offender pursuant to Section 290 or~~
34 inmates incarcerated for a murder conviction.

35 ~~(2)~~

36 (B) A program that would parole nonserious, nonviolent
37 inmates who are 55 years of age and older, excluding parole
38 violators returned to custody, inmates serving a life sentence,
39 inmates who have two “strikes” pursuant to ~~Section 1170.12, and~~
40 ~~persons who are required to register as a sex offender pursuant to~~

~~Section 290. Inmates who qualify for the Section 1170.12.~~
~~Inmates who qualify for the~~ program in this paragraph who have not served at least 50 percent of their sentence may be placed in an in-home electronic monitoring detention program if the department deems it necessary for public safety.

~~(3)~~

(C) A program that would emulate the Project for Older Prisoners (the “POPS” program), in which the department would partner with law school students who would assess older prisoners for parole.

(b) An inmate who has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5, a serious felony, as defined in subdivision (c) of Section 1192.7, or an offense that requires him or her to register pursuant to Section 290, is not eligible for parole under this section.

(c) As used in this section “medically incapacitated” means suffering a medical condition that renders him or her permanently unable to move without assistance, permanently unable to perform activities of daily living such as dressing, eating, ambulating, or maintaining personal hygiene without assistance, or permanently dependent on a ventilator.

SEC. 3. Section 5041 is added to the Penal Code, to read:

5041. The department shall develop a program that would provide additional sentence-reduction incentives for inmates who are eligible for day-to-day credits and who are meeting minimum standards and progress in education, vocation, and drug treatment programs.

SEC. 4. Section 5042 is added to the Penal Code, to read:

5042. The department shall develop numerous strategies to reduce recidivism and to discharge rehabilitated persons from parole, including, but not limited to, the following:

(a) Development of policies and procedures that would enable low-risk parolees to be discharged from parole according to national norms.

(b) Identification of low risk parolees, and reducing their parole term to three months.